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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,496	10/31/2000	John Border	81798/CEB	9832
1333	7590	04/06/2004	EXAMINER	
PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			HECKENBERG JR, DONALD H	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/702,496

Applicant(s)

BORDER ET AL.

Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date --
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. This application contains claims 7-13 drawn to an invention nonelected with without traverse in a response filed December 9, 2002. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

2. Claim 1 recites "a molten plastic or a plastic preform" in lines 6-7. Claim 1 further recites "said solid plastic material" in lines 7-8. It is evident from the disclosure of the instant application that the reference to solid plastic material in lines 7-8 is the same molten plastic or plastic preform material referenced in lines 6-7. However, for clarity it would be better if the same terminology was used throughout the claim.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

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out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites in lines 3-5 that the first mold base of the apparatus comprises a first alignment member for cooperating with correspondingly aligned apertures in the second mold base. Lines 12-18 recite that the apparatus comprises a set of alignment features wherein "said first alignment member comprises a pair of spaced guide pins for engaging a pair of corresponding spaced apertures formed in said second mold base, and wherein said second alignment member comprises a pair of spaced locating bushings tapered for lengthwise engagement with a pair of corresponding spaced apertures in said second mold base[.]" Thus, claim 1 seems to recite the first alignment members acting with two different "first apertures." Moreover, as now written there is no antecedent basis for "said second alignment member" in the line 16. Therefore, the scope of the claimed invention is impossible to discern, and the claim is indefinite.

Claim 1 has been also amended to recite that the microlens mold has a size "of about 10 microns to about 25 mm in diameter and a sag of about 2 microns to 12.5 mm[.]" The term "about" as used in this phrase is a relative term which renders the claim indefinite. The term "about" is not defined by the claim, the

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specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Thus, one of ordinary skill in the art would not be able to discern what the claimed ranges actually are.

5. The following claim is submitted for Applicant's consideration. This claim (which not taught or suggested by the prior art of record) would overcome this rejection under 35 U.S.C. 112 and includes the suggestion noted above:

--1. Apparatus for manufacturing a double-sided microlens comprising:

a first mold base and a second mold base, wherein each of said first mold base and said second mold base has a pair of juxtaposed mold cavities for receiving a molten plastic or a plastic preform in a fixed relationship, wherein each one of said juxtaposed mold cavities contains at least one microlens mold having a size of 10 microns to 25 mm in diameter and a sag of 2 microns to 12.5 mm in a substrate configured to receive said at least one microlens mold in a precise relations to another of said at least one microlens mold; and a set of alignment features for aligning said pair of juxtaposed mold

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cavities containing said molten plastic or plastic preform; said set of alignment features including a first alignment member comprising a pair of spaced guide pins for engaging a pair of corresponding spaced apertures formed in said second mold base, and a second alignment member comprising a pair of spaced locating bushing tapered for lengthwise engagement with a pair of corresponding spaced tapered apertures in said second mold base; and,

a molding assemblage having a first platen and an opposing second platen, said first platen supporting said first mold base and said second platen supporting said second mold base for molding a double-sided microlens in said microlens molds.--

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

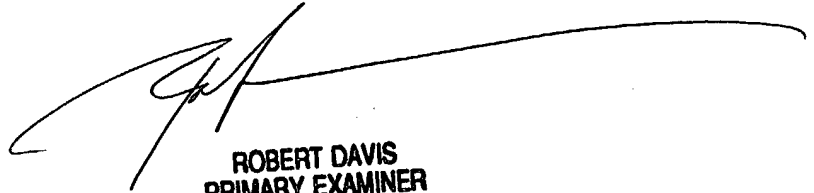
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see <<<http://pair-direct.uspto.gov>>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Donald Heckenberg

April 2, 2004



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1700

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